

Message Text

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13-12

ACTION DLOS-04

INFO OCT-01 ARA-06 EUR-12 EA-07 ISO-00 FEA-01 ACDA-05

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

OFA-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05

FMC-01 TRSE-00 H-02 INR-07 INT-05 IO-11 JUSE-00 L-03

NSAE-00 NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 SAJ-01 /133 W

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R 270921Z JAN 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6401

INFO AMEMBASSY LONDON

AMEMBASSY MEXICO

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY SEOUL

AMEMBASSY TAIPEI

C O N F I D E N T I A L TOKYO 1216

E.O. 11652: GDS

TAGS: PLOS JA

SUBJ: EXTENSION OF JAPANESE TERRITORIAL SEA

REF: A) TOKYO 0679 (NOTAL); B) TOKYO 18402/75; C) TOKYO 17993/75;
D) TOKYO 17448 (NOTAL); E) TOKYO 17860; F) TOKYO 17660

SUMMARY: PRIME MINISTER TOLD DIET ON JANUARY 26 THAT HE
SUPPORTS EXTENSION OF JAPANESE TERRITORIAL SEA TO 12
NAUTICAL MILES, BUT INTENDS TO DEFER INTRODUCTION OF
LEGISLATION TO THAT EFFECT AT LEAST UNTIL AFTER 4TH PLENARY
SESSION OF LOS CONFERENCE. FOREIGN OFFICE IN BRIEFING
SAME DAY INDICATED THAT SENATE'S APPARENT INTENTION TO
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DEFER US ESTABLISHMENT OF 200 MILE EXCLUSIVE FISHING

ZONE, AND "POSSIBILITY THAT CANADA AND MEXICO WILL FOLLOW SUIT," INSTRUMENTAL IN GOJ DECISION TO WAIT ON LOS CONFERENCE. MORE IMPORTANTLY, GOJ APPEARS UNABLE AS YET TO RECONCILE SHARPLY DIVERGENT INTERESTS, AND IN PARTICULAR SEES NO DOMESTICALLY ACCEPTABLE WAY TO AMEND VIEW THAT NON-NUCLEAR PRINCIPLES BAR PASSAGE OF NUCLEAR-ARMED VESSELS THROUGH TERRITORIAL SEA UNLESS PRINCIPLES OVERRIDDEN BY DECLARED INTERNATIONAL LAW IN FORM OF LOS CONVENTION. GOJ IS PLAYING FOR TIME AND MAY WELL GAIN A RESPITE, BUT IF LOS CONFERENCE DOES NOT PRODUCE, THOSE COUNSELING AGAINST UNILATERAL ACTION WILL FIND TASK DOUBLY DIFFICULT IN NEXT ROUND WITH COASTAL FISHERMAN.
END SUMMARY.

1. ACCORDING TO ASAHI ON JANUARY 27, PRIME MINISTER MIKI IN DIET GENERAL INTERPELLATION JANUARY 26 FOR THE FIRST TIME STATED ON THE RECORD HIS VIEW THAT JAPAN SHOULD EXTEND ITS TERRITORIAL SEA TO 12 NAUTICAL MILES. NONETHELESS, MIKI INDICATED THAT THE GOJ WILL DEFER INTRODUCTION OF LEGISLATION TO EXTEND TERRITORIAL SEA AT LEAST UNTIL AFTER THE 4TH LOS PLENARY SESSION. AS GROUNDS FOR GOJ DECISION TO DELAY UNILATERAL ACTION, MIKI NOTED THAT THE PROBLEM WILL BE DEBATED AT THE LOS PLENARY, THAT THE GOJ HAS RECEIVED FROM THE CHAIRMAN OF THE CONFERENCE A LETTER ASKING THAT "BEFORE A CONCLUSION EMERGES FROM THE LOS CONFERENCE, PLEASE DO NOT ADOPT ANY UNILATERAL POSITIONS," AND THAT THE QUESTION "IS ENTANGLED WITH THE PROBLEMS OF THE 200 NAUTICAL MILE ECONOMIC ZONE AND OF PASSAGE THROUGH INTERNATIONAL STRAITS."

2. NIHON KEIZAI (JAPAN ECONOMIC JOURNAL) ON JANUARY 27 REPORTED, APPARENTLY ON BASIS OF FOREIGN OFFICE BRIEFING, THAT EMERGENT US SENATE DECISION TO DEFER ESTABLISHMENT OF 200 MILE EXCLUSIVE FISHING ZONE TO JANUARY 1, 1977, AND "STRONG POSSIBILITY THAT CANADA AND MEXICO WILL FOLLOW SUIT," IN ORDER TO GIVE THE LOS CONFERENCE A CHANCE TO ACT, WAS INSTRUMENTAL IN GOJ DECISION TO DEFER ACTION. NIHON KEIZAI SAID GOJ ALSO JUDGES IT POLITICALLY INFEASIBLE TO ALLOW FREE PASSAGE THROUGH HITHERTO INTERNATIONAL
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STRAITS BY NUCLEAR-ARMED VESSELS UNLESS SAME IS ENDORSED BY INTERNATIONAL LAW, AND FINALLY CITED "STRONG INTERNATIONAL OPINION" AGAINST UNILATERAL STEPS.

3. DOMESTIC OPINION ON WHEN AND HOW TO EXTEND TERRITORIAL SEA REMAINS SHARPLY POLARIZED. THE VIEW EXPRESSED BY LDP DIETMAN HAKUEI ISHIDA, IN HIS QUESTION TO MIKI, THATO WITH A 12 MILE TERRITORIAL SEA "80 PERCENT OF OUR FISHING

BOATS' TROUBLES IN OUR COASTAL WATERS WILL BE SUPPRESSED," IS VERY WIDELY SHARED. HOWEVER, AS REPORTED REFTELS, JAPANESE HAVE BEEN UNABLE TO REACH CONSENSUS ON RELAXATION OF NON-NUCLEAR PRINCIPLES' PROSCRIPTION AGAINST TRANSIT OF NUCLEAR WEAPONS THROUGH JAPANESE TERRITORY THAT WOULD ALLOW THEIR PASSAGE THROUGH STRAITS WHICH WOULD BE ENCOMPASSED BY EXTENSION OF THE TERRITORIAL SEA. ALL OPPOSITION PARTIES HAVE GONE ON RECORD IN FAVOR OF IMMEDIATE ESTABLISHMENT OF 12 MILE TERRITORIAL SEA, BUT JSP, JCP AND KOMEI PARTY FURTHER STATED ADAMANT OPPOSITION TO "MUTILATION" OF NON-NUCLEAR PRINCIPLES. FURTHER, JAPANESE SENSE THAT THEIR ARGUMENTS AGAINST OTHER STATES' PRECIPITATE ESTABLISHMENT OF 200 MILE ECONOMIC WATERS WOULD BE UNDERCUT BY UNILATERAL EXTENSION OF TERRITORIAL SEA; THUS MOUNTING APPREHENSION BY LONG-DISTANCE FISHING INTERESTS THAT JAPANESE ACCESS TO NORTH AMERICAN COASTAL WATERS MAY SOON BE SHARPLY CURBED HAS IN LAST MONTH VISIBLY TEMPERED FISHERIES AGENCY'S ENTHUSIASM FOR 12 MILE TERRITORIAL SEA. FINALLY, GOJ MAY HOPE THAT SHARP REPRESENTATIONS TO SOVIET FOREIGN MINISTER GROMYKO DURING HIS VISIT EARLY THIS MONTH WILL LEAD RUSSIANS TO CURB SOMEWHAT THE ACTIVITIES OF THEIR FISHING FLEET NEAR JAPANESE WATERS.

4. EMBASSY UNDERSTANDS THAT FEW, IF ANY, IN GOJ ARE SANGUINE THAT 4TH LOS PLENARY WILL PROVE ANY MORE CONCLUSIVE THAT ITS PRECECESSORS. EVEN SO, UPON JUDGMENT THAT ONLY INCOMPATIBILITY WITH DECLARED INTERNATIONAL LAW WILL PERMIT GOJ TO MODIFY INTERPRETATION OF NON-NUCLEAR PRINCIPLES, CABINET HAS EVIDENTLY SEEN LITTLE CHOICE BUT TO SEEK TO PUT TERRITORIAL SEA QUESTION ON BACK BURNER. MIKI'S DIET STATEMENT, STATING GOAL OF ESTABLISHING 12 MILE TERRITORIAL SEA BUT DEFERRING ANY FURTHER ACTION TILL
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AFTER LOS PLENARY MAY FOR THE MOMENT QUIET DOMESTIC DEBATE. HOWEVER, IF PLENARY MAKES NO VISIBLE PROGRESS, FONOFF AND OTHER ADVOCATES OF CAUTION WILL FIND RESISTANCE TO COASTAL FISHERMEN DOUBLY DIFFICULT IN NEXT ROUND.

5. WHATEVER OUTCOME OF LOS CONFERENCE, GOJ DECISION TO DELAY UNILATERAL DECLARATION MAY PROVIDE USEFUL TALKING POINT IN OUR EFFORT TO PERSUADE CONGRESS TO POSTPONE UNOLATERAL ESTABLISHMENT OF 200 MILE EXCLUSIVE FISHING ZONE.
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